118/04 M/S

Hon'ble Irshad Hussain, J

Heard Sri Navneet Kaushik, learned counsel for the petitioner and Sri Sidharth Shah learned counsel for the respondent nos. 2 & 3.

This is a petition under Section 226 of the Constitution of India challenging the propriety of the order of the Deputy Director/Collector Haridwar passed on 27.12.2003 whereby the appeals pending before the Settlement Officer Consolidation(S.O.C.), Haridwar were directed to be transferred the file to the Assistant Settlement Officer Consolidation, Haridwar for disposal according to law on the basis of the same complaint made by the respondent no.2 & 3.

The gist of the arguments of the learned counsel for the petitioner is that in view of the provision of Rule 65(2) of the U.P. Consolidation of Holding Act, 1954 only the Director, Consolidation had power to transfer an appeal pending before the S.O.C. and therefore the order impugned is without jurisdiction. No doubt, the grievance is technical but having gone through the considered order passed by the Collector, Haridwar on 27.11.2003, I feel no ground to interfere with the same in view of the allegations made against the S.O.C. before whom the appeals were pending for disposal. Since I am satisfied, it is immaterial, if the petitioner has filed the objection against the move of the respondent no.2 & 3 to have the appeals transferred from the file of S.O.C.

In view of the above, the petition lacks merit, therefore, the petition is dismissed in limine.

Dated 01.03.2004 **(Irshad Hussain, J.)**